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ferred to in the will, and avoiding the intestacy which would otherwise result.

9. Wills (§ 616 (1)*).—Under Absolute Power in Devisee to Dispose of Remainder of Testator's Effects, Entire Residue of Estate Passes Despite Prior Devise of Life Estate.—Where a life estate is expressly given, language of other parts of the will will not be construed to enlarge such estate into an absolute estate, unless it is very clear, but if, by other terms in the same instrument, it is manifest that devisee is vested with absolute power to dispose of the subject at his will, he is not a mere life tenant, but absolute owner, so that, under a will bequeathing testator's entire interest in a farm and all his bonds, notes, and money to his wife as long as she lived, and specific legacies to two nieces, a subsequent provision leaving to the wife the remainder of his effects, to dispose of as she thought proper, expressed in reasonably clear and natural words testator's intention that the entire residue of the estate, real and personal, in possession and in remainder, should pass to his wife.

10. Wills (§ 575*).—Word "Effects" as Used in Residuary Clause of Will Held to Embrace Real Estate.—Though the word "effects" ordinarily refers to personal property, such term, as used in a will bequeathing to testator's wife his entire interest in a farm, and all his bonds, notes, and money as long as she lived, with legacies to two nieces after her death, and the remainder of his "effects" to his wife to dispose of as she thought proper, may fairly be construed to embrace real estate, the meaning of the term being determined by the context and surrounding circumstances.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Effects.]

Error to Circuit Court, Page County.

Suit between Rebecca S. Coffman's administrator, to construe a will. From the decree, the administrator brings error. Reversed and remanded.

Geo. N. Conrad, of Harrisonburg, for plaintiff in error.

Wm. F. Keyser and *H. V. Strayer*, both of Luray, for defendants in error.

RICHARDSON *v.* COMMONWEALTH.

Nov. 17, 1921.

[109 S. E. 460.]

1. Criminal Law (§ 982*).—Court Does Not Lose Control Over

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Accused under Suspended Sentence.—The rule that a court cannot, after adjournment of the term, alter or amend a final judgment or order because it becomes irrevocable upon such final adjournment, has no application to an order suspending sentence of an accused, especially in view of Act March 16, 1918 (Laws 1918, c. 349) § 2.

2. Constitutional Law (§ 74*)—Statutes Conferring Power on Courts to Suspend a Sentence Valid.—Statutes which confer a power on court to suspend sentences, such as Act March 16, 1918 (Laws 1918, c. 349) § 2, do not contravene constitutional provisions vesting the pardoning power in the executive.

3. Criminal Law (§§ 273, 982*)—Court Cannot by Suspending Sentence Excuse Accused from Penalty.—The judge of a trial court may not enter into a binding agreement with a prisoner to excuse him forever from the penalties of his crime if he pleads guilty by giving him a suspended sentence, the purpose of a suspended sentence being to afford accused only an opportunity to repent and reform; nor can attorneys for the commonwealth make a contract with an accused which will bind the trial judge, and one who pleads guilty can hereafter only ask for mercy.

4. Criminal Law (§ 978*)—Statute Permitting Suspended Sentences Liberally Construed.—Act March 16, 1918 (Laws 1918, c. 349) § 2, providing for probation and a suspension of sentences in criminal and juvenile courts, is highly remedial and should be liberally construed.

5. Criminal Law (§ 982*)—Trial Court May Revoke Suspension of Sentence.—In cases in which court fails to prescribe a period of probation definitely, the alternative clause of Act March 16, 1918 (Laws 1918, c. 349) § 2, separates and limits the power of revocation of order suspending sentence to "the maximum period for which the defendant might originally have been sentenced to be imprisoned," and after the expiration of such period the court loses jurisdiction.

Error to Corporation Court of Radford.

John Richardson was convicted for violation of the prohibition statute. From an order annulling an order suspending sentence, he brings error. Reversed.

R. L. Jordan, of Radford, and *John S. Draper, Jr.*, of Pulaski, for plaintiff in error.

John R. Saunders, *Atty. Gen.*, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, and *Leon M. Bazile*, *Second Asst. Atty. Gen.*, for the Commonwealth.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.